

**United States District Court
Southern District of Ohio
Western Division**

UNITED STATES OF AMERICA

1:07cr108

vs.

Spiegel, J.
Black, M.J.

JOHNNY COLLINS,
Defendant.

FILED
JAMES BONINI
CLERK
07 Sept 12 PM 2:13
U.S. DISTRICT COURT
SOUTHERN DISTRICT OHIO
WEST DIV CINCINNATI

**REPORT AND RECOMMENDATION THAT DEFENDANT BE FOUND
COMPETENT TO STAND TRIAL**

On April 26, 2007, upon defendant's motion, the Court ordered a psychiatric examination of defendant to determine if he were competent to stand trial.

Defendant subsequently received comprehensive evaluations by medical personnel at the federal Metropolitan Correctional Center in New York, NY, resulting in a written report of June 12, 2007 authored by William J. Ryan, Ph.D., Forensic Psychologist, and reviewed by Chritina Liberati, Ph.D., Acting Chief Psychologist.

This competency report concludes that in the opinion of the evaluator, defendant presents with no mental disease or defect under law and is competent to stand trial, as he does possess a rational and factual understanding of the proceedings against him, does have the capacity to assist legal counsel in his defense, and can rationally make decisions regarding legal strategy.

A competency hearing was held on September 12, 2007, at which defendant appeared in court with counsel. The Court admitted into evidence the psychiatric report detailing the results and findings, and both the government and defense counsel indicated no objections to the findings, conclusions and recommendations in the report.

Upon careful review of the report, the undersigned concludes that defendant is able to understand the nature and consequences of the proceedings against him and is able to assist properly in his defense. Defendant has a rational and factual understanding of the proceedings against him and has sufficient present ability to consult with his attorney with a reasonable degree of rational understanding. See 18 U.S.C. & 4241(d); see also Dusky v. United States, 362 U.S. 402 (1960).

Accordingly, the undersigned hereby **RECOMMENDS** that the Court find that defendant currently possesses a rational and factual understanding of the proceedings against him, has the capacity to assist legal counsel in his defense, can rationally make decisions regarding legal strategy, and therefore is competent to stand trial.

IT IS SO RECOMMENDED.¹

Date: 9/12/07

Timothy S. Black
Timothy S. Black
United States Magistrate Judge

¹ Pursuant to rule, any party may object to this Report and Recommendation within ten (10) days after being served with a copy of it. Such party shall file with the Clerk of Court and serve on all other parties written objections to the Report and Recommendation, specifically identifying the portion(s) of the proposed findings, recommendations, or report objected to, together with a memorandum of law setting forth the basis for such objection(s). Any response by an opposing party to the written objections shall be filed within ten (10) days after the opposing party has been served with the objections. A party's failure to make objections in accordance with the procedure outlined above may result in a forfeiture of his rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).